

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE: ) Chapter 11  
 )  
EASTERN LIVESTOCK CO., LLC, ) Case No. 10-93904-BHL-11  
 )  
Debtor. ) Hon. Basil H. Lorch III

**MOTION TO SHORTEN NOTICE ON MOTION TO APPROVE  
SETTLEMENT AMONG TRUSTEE, ESTATE,  
SUPERIOR LIVESTOCK AUCTION, INC., AND FIFTH THIRD BANK**

James A. Knauer, as chapter 11 trustee (the "Trustee") for Eastern Livestock Co., LLC (the "Debtor"), by counsel, files this motion ("Motion") and respectfully requests that the Court shorten notice on the *Motion To Approve Settlement Among Trustee, Superior Livestock Auction, Inc., And Fifth Third Bank* ("Motion to Settle")<sup>1</sup> filed by the Trustee on November 13, 2012 (Docket No. 1524). This Motion is made pursuant to 11 U.S.C. § 105(a), Fed. R. Bankr. P. 6004, 6006, 9006(c), 9014 and Rule B-9006-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of Indiana. In support of this Motion, the Trustee states:

1. The Motion to Settle seeks entry of an order approving the proposed compromise with Superior and Fifth Third resolving the claims of Superior against the Trustee, the Estate and Fifth Third and the claims of the Trustee and Fifth Third against Superior, and resolving other controversies and litigation pending in the Chapter 11 Case.

2. The relief requested in the Motion to Settle needs to be considered and granted as soon as possible. The proposed settlement was described in open court on October

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion to Settle.

31, 2012 during the hearing on the Disclosure Statement and is also described in both the Disclosure Statement and Plan. The result of the Settlement Agreement will be a reduction in the total amount of unsecured claims in the Chapter 11 Case, thus increasing any percentage payment to the remaining unsecured claims. The Settlement Agreement will also resolve contentious litigation.

3. The Settlement Agreement resolves multiple pending actions and litigation among the parties and thus should cause the Chapter 11 Case to move towards completion and distribution of monies to creditors.

4. The circumstances discussed in the Motion to Settle justify shortening the notice period for the hearing in connection with the Motion to Settle. The expedited hearing and shortened notice requested by the Trustee is not inconsistent with any other provision of the Bankruptcy Code. On the contrary, shortening the notice period and expediting the hearing will advance the provisions of the Bankruptcy Code by allowing the Trustee to maximize the value of the assets available for distribution and minimizes the burden to its estate.

5. The Trustee requests that the Motion to Settle be heard at the same time as the previously scheduled hearing in this case on November 19, 2012 at 10:00 a.m. EST. The Court's ECF system will provide notice to those parties who have requested notice or filed an appearance. Pursuant to Bankruptcy Rule 2002, the Trustee will send a notice of the proposed settlement, the hearing date and the date set for objections ("Notice") to all creditors in this chapter 11 case that received the Disclosure Statement and Plan. The proposed form of Notice is attached as Exhibit 1.

**WHEREFORE**, the Trustee respectfully requests that the Court shorten notice and expedite the hearing on the Motion to Settle on November 19, 2012 at 10:00 a.m. EST, with

objections due prior to or at the hearing and grant the Trustee such other and further relief as is just and proper.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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